

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV144

**SUPERGUIDE CORPORATION,
a North Carolina Corporation,**

Plaintiff,

Vs.

**DIRECTV ENTERPRISES, INC., a
Delaware Corporation, *et al.*,**

Defendants,

Vs.

**GEMSTAR DEVELOPMENT
CORPORATION,**

Third-Party Defendant.

**ORDER OF DISMISSAL
AS TO GEMSTAR**

THIS MATTER is before the Court on the responses of the parties concerning the status of GemStar Development Corporation (GemStar).

By Order entered August 27, 2007, the Court asked the parties to respond to the issue of whether GemStar remains a viable litigant as to the sole issue remaining in the case, that is, infringement within SuperGuide's reserved field of use. Each of the parties has responded as follows:

1. SuperGuide states that GemStar is not a viable litigant in the case except as to ultimate issues such as motions to reconsider and appeal rights.
2. GemStar states that none of the infringement issues raised by the Defendants' third-party complaints against it remain in the case. GemStar does retain the right to make post-trial motions concerning the ruling in connection with the license agreement and to file an appeal at the conclusion of the case.
3. The remaining Defendants also agree that their third-party complaints against GemStar do not remain in the case.

IT IS, THEREFORE, ORDERED that the third-party complaints against GemStar are hereby **DISMISSED**.

IT IS FURTHER ORDERED that GemStar may not participate in the remaining litigation except as it relates to ultimate post-trial motions and rights to appeal.

Signed: September 12, 2007



Lacy H. Thornburg
United States District Judge

